

Senate Chamber, Atlanta, Georgia
Tuesday, February 20, 2007
Twenty-second Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

Senator Rogers of the 21st moved that the Senate reconsider its action in defeating the following resolution.

SR 20. By Senators Rogers of the 21st, Seabaugh of the 28th, Pearson of the 51st, Wiles of the 37th, Hill of the 32nd and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide for limitations on state government taxation and expenditures; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

On the motion, a roll call was taken, and the vote was as follows:

N Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	N Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Johnson	Y Tarver
Y Chapman	N Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
N Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Thompson,C
Y Fort	Y Murphy	Thompson,S
Y Goggans	N Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Y Hamrick
Y Harbison
Y Harp
Y Hawkins

Y Ramsey
N Reed
Y Rogers
Y Schaefer

Y Whitehead
Y Wiles
Y Williams

On the motion, the yeas were 46, nays 6; the motion prevailed, and SR 20 was reconsidered and placed on the General Calendar.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following messages were received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 24. By Representatives Tumlin of the 38th, Keown of the 173rd, Freeman of the 140th, Oliver of the 83rd and Dempsey of the 13th:

A BILL to be entitled an Act to amend Title 31 of the O.C.G.A., relating to health, so as to provide for an advance directive for health care which combines provisions of a living will and a durable power of attorney for health care; to provide for revocation, the effect of marriage, and guardianship; to provide for duties and responsibilities of health care agents and health care providers; to provide for conditions precedent to carrying out health care treatment preferences and a physician's responsibilities; to provide for the effect of an advance directive for health care on criminal and insurance laws; to provide for penalties; to provide for the effect of Chapter 32 of Title 31 on other legal rights and duties; to repeal and reserve Chapter 36 of Title 31, relating to a durable power of attorney for health care; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 76. By Representatives Day of the 163rd, Horne of the 71st and Neal of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to require permission for use of the Georgia Office of Homeland Security's

and the Georgia Emergency Management Agency's nomenclature and symbols, to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 151. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Code Section 31-7-72 of the Official Code of Georgia Annotated, relating to the creation of hospital authority in each county and municipality, so as to provide that the General Assembly by local Act may change the manner of filling vacancies on certain hospital authorities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 231. By Representatives Smith of the 129th, Ralston of the 7th, Rogers of the 26th, Graves of the 12th and Floyd of the 147th:

A BILL to be entitled an Act to amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to provide that, in the removal of vehicles or obstructions from roadways where there is determined to be a threat to public health or safety or to mitigate traffic congestion, where towing services are so ordered to remove such obstructions such companies shall be guilty for instances of gross negligence only; to provide an effective date; to repeal conflicting laws; and for other purposes.

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 325. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the Waycross and Ware County Industrial Development Authority, approved March 7, 1955 (Ga. L. 1955, p. 2840), as amended, so as to change certain provisions relating to issuance of revenue bonds by the authority; to repeal conflicting laws; and for other purposes.

- HB 388. By Representatives Smith of the 168th, Roberts of the 154th and Sims of the 169th:

A BILL to be entitled an Act to create a board of elections and registration for Jeff Davis County and provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of its members; to provide for the qualification, terms, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for officers and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

- HB 402. By Representatives Beasley-Teague of the 65th and Horne of the 71st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Palmetto ad valorem taxes for municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to provide for duties and responsibilities of the election superintendent of the City of Palmetto; to repeal conflicting laws; and for other purposes.

- HB 403. By Representatives Jerguson of the 22nd, Byrd of the 20th, Hill of the 21st and Hamilton of the 23rd:

A BILL to be entitled an Act to repeal an Act creating the Cherokee County Parks and Recreation Authority, approved April 5, 1995 (Ga. L. 1995, p. 4223), as amended, so as to provide for the disposition of property and the assumption of liabilities; to provide for existing contracts; to provide for personnel; to provide for the redirection of funding; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

- SB 166. By Senators Hawkins of the 49th, Goggans of the 7th, Murphy of the 27th, Pearson of the 51st, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to regulation of rates, so as to add Department of Driver Services approved virtual courses as an option for certain named drivers under the age of 25; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

- SB 167. By Senators Meyer von Bremen of the 12th, Golden of the 8th, Hooks of the 14th, Brown of the 26th and Jones of the 10th:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to create the State Health Benefit Advisory Committee; to provide for membership; to provide for quarterly meetings; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

- SB 168. By Senators Smith of the 52nd, Butler of the 55th, Moody of the 56th, Mullis of the 53rd, Seay of the 34th and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to enact the "Deaf Child's Bill of Rights Act"; to provide for legislative findings; to provide for a definition; to require that a school system will take into account the specific communication needs of a deaf student; to provide for the explanation of options to the parent or guardian of a deaf student; to provide that a deaf student shall not be denied the opportunity for instruction in a particular communication mode or language; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 169. By Senators Hamrick of the 30th, Harp of the 29th, Meyer von Bremen of the 12th, Adelman of the 42nd, Grant of the 25th and others:

A BILL to be entitled an Act to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student

Finance Authority, so as to provide for direct loans to students for attendance at certain postsecondary institutions at the rate of 1 percent annually; to provide for definitions; to provide for the maximum amount of such loans; to provide for eligibility requirements; to provide for the random selection of recipients of such loans from eligible applicants; to provide for a fund for such loans that is separate from the general loan fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 170. By Senators Smith of the 52nd, Moody of the 56th, Mullis of the 53rd, Butler of the 55th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to provide that American Sign Language can be used to fulfill the foreign language requirements for a college preparatory diploma for any student; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 171. By Senators Mullis of the 53rd and Powell of the 23rd:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as to repeal Chapter 41 of such title, relating to residential and general contractors, in its entirety; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 173. By Senators Tolleson of the 20th, Hooks of the 14th, Moody of the 56th and Henson of the 41st:

A BILL to be entitled an Act to amend Code Section 22-3-82 of the Official Code of Georgia Annotated, relating to pipeline companies' rights to acquire property or property interests by eminent domain, notices to landowners, relocations, right of reasonable access, and compensation for damage incident to entry, so as to exempt certain acquisitions of additional pipeline rights of way from restrictions and conditions otherwise imposed on the exercise of such power; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 174. By Senators Grant of the 25th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to eligibility and qualifications for office, so as to provide for the development of medical and physical fitness standards for persons employed in positions in state government; to provide for the appointment of a medical review board; to provide for payment; to provide for rules and regulations; to provide for the expenditure of funds; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 175. By Senators Grant of the 25th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 45-9-1 of the O.C.G.A., relating to general provisions relative to insuring and indemnification of state officers and employees, so as to clarify the meaning of criminal action; to amend Part 12 of Article 4 of Chapter 3 of Title 46 of the O.C.G.A., relating to dissolution of electric membership corporations, so as to replace "Department of Administrative Services" with "Office of Treasury and Fiscal Services" where such term appears in certain Code sections; to amend Part 1 of Article 3 of Chapter 5 of Title 50 of the O.C.G.A., relating to general authority, duties, and procedures for state purchasing, so as to modify certain duties and provisions relating to state purchasing; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

SB 176. By Senators Tolleson of the 20th, Hill of the 4th, Grant of the 25th, Bulloch of the 11th and Williams of the 19th:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the State Forestry Commission, so as to change certain provisions relating to reports to the General Assembly; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 177. By Senator Chance of the 16th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of superior courts, so as to change certain terms of court in Pike County in the Griffin Circuit; to repeal conflicting laws; and for other purposes

Referred to the State and Local Governmental Operations (General) Committee.

SB 178. By Senators Balfour of the 9th, Unterman of the 45th and Shafer of the 48th:

A BILL to be entitled an Act to amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to provide that the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to a patient under certain circumstances shall not be considered grounds for sanctioning the license of a pharmacist; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 179. By Senators Staton of the 18th, Powell of the 23rd, Unterman of the 45th, Hudgens of the 47th, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to repeal the prohibition against persons acting on behalf of a public utility regulated by the Public Service Commission contributing to political campaigns; to prohibit public utilities regulated by the Public Service Commission from contributing to Public Service Commission candidates or campaign committees for such candidates; to prohibit electric membership corporations from contributing to political campaigns; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Ethics Committee.

SB 180. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for public works, so as to enact the "Guaranteed Energy Cost Savings Act"; to define certain terms; to authorize governmental units to enter into guaranteed energy cost savings contracts; to provide for bid proposal procedures; to establish standards and

procedures for awarding of guaranteed energy cost savings contracts; to impose certain requirements on qualified providers of energy cost saving measures; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 181. By Senator Carter of the 13th:

A BILL to be entitled an Act to amend Article 7 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle license fees and classes, so as to provide for the imposition of a fee by motor vehicle rental companies with respect to certain motor vehicle fees and taxes; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for applicability of sales and use taxation with respect to such fees; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

SB 182. By Senators Wiles of the 37th, Unterman of the 45th and Hill of the 32nd:

A BILL to be entitled an Act to amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to change provisions relating to asbestos claims and silica claims; to state legislative findings and purpose; to provide for applicability; to provide definitions; to provide that physical impairment shall be an essential element of an asbestos claim or a silica claim; to provide for a limitations period for filing a claim; to provide for dismissal of pending claims under certain conditions; to provide for general rules applicable to new filings; to provide for forum non conveniens; to provide for venue; to provide for joinder and consolidation of claims; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 183. By Senators Rogers of the 21st and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to insurance agents, agencies, subagents, counselors, and adjusters, so as to authorize insurance agents to charge and collect certain fees under certain circumstances; to provide for the keeping of records of such fees charged and collected; to provide for separate

receipts for such fees; to prohibit the collection of any fees not so authorized; to provide for related matters; to provide an effective date; to repeal conflict laws and for other purposes.

Referred to the Insurance and Labor Committee.

SR 279. By Senators Douglas of the 17th, Harp of the 29th, Williams of the 19th, Brown of the 26th, Staton of the 18th and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to provide for staggered, four-year terms of office for members of the Senate; to provide for the implementation of staggered terms of office for members of the Senate; to provide that members of the House of Representatives shall be elected to terms and in a manner as provided by general law; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Ethics Committee.

SR 280. By Senators Johnson of the 1st, Smith of the 52nd, Thomas of the 54th, Staton of the 18th, Adelman of the 42nd and others:

A RESOLUTION creating the Senate Study Committee on Property Rights Relating to Reproductive and Genetic Technology; and for other purposes.

Referred to the Judiciary Committee.

SR 282. By Senators Seabaugh of the 28th, Rogers of the 21st, Pearson of the 51st, Heath of the 31st, Hill of the 32nd and others:

A RESOLUTION proposing an amendment to the Constitution so as to eliminate and prohibit the subsequent imposition of state ad valorem taxes and state income taxes and impose in lieu thereof a comprehensive consumption tax to be known as the Georgia One Tax; to provide for procedures and requirements; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Finance Committee.

SR 283. By Senator Tolleson of the 20th:

A RESOLUTION creating the Joint Nonpoint Source Pollution Control Study Committee; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

The following House legislation was read the first time and referred to committee:

HB 24. By Representatives Tumlin of the 38th, Keown of the 173rd, Freeman of the 140th, Oliver of the 83rd and Dempsey of the 13th:

A BILL to be entitled an Act to amend Title 31 of the O.C.G.A., relating to health, so as to provide for an advance directive for health care which combines provisions of a living will and a durable power of attorney for health care; to provide for revocation, the effect of marriage, and guardianship; to provide for duties and responsibilities of health care agents and health care providers; to provide for conditions precedent to carrying out health care treatment preferences and a physician's responsibilities; to provide for the effect of an advance directive for health care on criminal and insurance laws; to provide for penalties; to provide for the effect of Chapter 32 of Title 31 on other legal rights and duties; to repeal and reserve Chapter 36 of Title 31, relating to a durable power of attorney for health care; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 76. By Representatives Day of the 163rd, Horne of the 71st and Neal of the 1st:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to require permission for use of the Georgia Office of Homeland Security's and the Georgia Emergency Management Agency's nomenclature and symbols, to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

HB 151. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Code Section 31-7-72 of the Official Code of Georgia Annotated, relating to the creation of hospital authority in each county and municipality, so as to provide that the General Assembly by local Act may change the manner of filling vacancies on certain hospital authorities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

HB 231. By Representatives Smith of the 129th, Ralston of the 7th, Rogers of the 26th, Graves of the 12th and Floyd of the 147th:

A BILL to be entitled an Act to amend Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to regulation of maintenance and use of public roads generally, so as to provide that, in the removal of vehicles or obstructions from roadways where there is determined to be a threat to public health or safety or to mitigate traffic congestion, where towing services are so ordered to remove such obstructions such companies shall be guilty for instances of gross negligence only; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

HB 325. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the Waycross and Ware County Industrial Development Authority, approved March 7, 1955 (Ga. L. 1955, p. 2840), as amended, so as to change certain provisions relating to issuance of revenue bonds by the authority; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 388. By Representatives Smith of the 168th, Roberts of the 154th and Sims of the 169th:

A BILL to be entitled an Act to create a board of elections and registration for Jeff Davis County and provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of its members; to provide for the qualification, terms, and removal of members and for filling vacancies; to provide for oaths and

privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for officers and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 402. By Representatives Beasley-Teague of the 65th and Horne of the 71st:

A BILL to be entitled an Act to provide for a homestead exemption from City of Palmetto ad valorem taxes for municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to provide for duties and responsibilities of the election superintendent of the City of Palmetto; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 403. By Representatives Jerguson of the 22nd, Byrd of the 20th, Hill of the 21st and Hamilton of the 23rd:

A BILL to be entitled an Act to repeal an Act creating the Cherokee County Parks and Recreation Authority, approved April 5, 1995 (Ga. L. 1995, p. 4223), as amended, so as to provide for the disposition of property and the assumption of liabilities; to provide for existing contracts; to provide for personnel; to provide for the redirection of funding; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 66 Do Pass by substitute

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

The following Minority Report to SB 66 was filed with the Secretary:

Senator Gloria Butler
District 55
420-C State Capitol
Atlanta, GA 30334

Committees:

Ethics
Health and Human Services
Public Safety and Homeland Security
Regulated Industries and Utilities
Rules
Urban Affairs

The State Senate
Atlanta, Georgia 30334

February 19, 2007

The Honorable Don Thomas, Chairman
Senate Health and Human Services Committee
121 G State Capitol
Atlanta, Georgia 30334

Dear Chairman Thomas,

This Minority Report is being filed as an objection to the process of the Health and Human Services committee meeting that was held on Friday, February 16, 2007.

Sincerely,

/s/ The Honorable Gloria S. Butler
Senator, District 55
Democratic Deputy Minority Whip

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 27	Do Pass by substitute
SR 133	Do Pass
SR 243	Do Pass

Respectfully submitted,
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 114	Do Pass by substitute
SB 115	Do Pass by substitute

Respectfully submitted,
Senator Shafer of the 48th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 190	Do Pass
SB 126	Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

HB 245	SB 60	SB 86	SB 120	SB 131	SR 81
HR 21	SB 84	SB 95			

Senator Stoner of the 6th asked unanimous consent that Senator Thompson of the 5th be excused. The consent was granted, and Senator Thompson was excused.

Senator Seay of the 34th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Williams of the 19th asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

The roll was called and the following Senators answered to their names:

Adelman	Heath	Schaefer
Brown	Henson	Seabaugh
Bulloch	Hill,Jack	Seay
Butler	Hill,Judson	Shafer,D
Carter	Hooks	Smith
Chance	Hudgens	Staton
Chapman	Jones	Stoner
Cowsert	Me V Bremen	Tarver
Davenport	Moody	Tate
Douglas	Mullis	Thomas,D
Fort	Murphy	Thomas,R
Goggans	Orrock	Tolleson
Golden	Pearson	Unterman
Hamrick	Powell	Weber
Harbison	Ramsey	Whitehead
Harp	Reed	Wiles
Hawkins	Rogers	Williams

Not answering were Senators:

Balfour (Excused)	Grant (Excused)	Johnson (Excused)
Thompson, C (Excused)	Thompson, S (Excused)	

The members pledged allegiance to the flag.

Senator Carter of the 13th introduced the chaplain of the day, Dr. Glen Martin of Tifton, Georgia, who offered scripture reading and prayer.

The President introduced United States Senator Saxby Chambliss. Senator Chambliss addressed the Senate.

The following resolutions were read and adopted:

SR 284. By Senators Pearson of the 51st and Rogers of the 21st:

A RESOLUTION commending Angela Della Costanza Turner; and for other purposes.

SR 285. By Senators Pearson of the 51st and Rogers of the 21st:

A RESOLUTION recognizing Italy Day at the Capitol; and for other purposes.

Senator Pearson of the 51st recognized Angela Della Costanza Turner and representatives of Italy Day at the Capitol, commended by SR 284 and SR 285. Honorary Consul of Italy for the State of Georgia, Angela Della Costanza Turner addressed the Senate briefly.

His Excellency Giovanni Castellaneta, Ambassador of Italy to the United States, addressed the Senate briefly.

SR 272. By Senators Grant of the 25th and Douglas of the 17th:

A RESOLUTION remembering and honoring the life of Mrs. Annette Milliken; and for other purposes.

SR 273. By Senator Davenport of the 44th:

A RESOLUTION honoring and remembering the life of Mrs. Louise Henderson Wright; and for other purposes.

SR 274. By Senator Davenport of the 44th:

A RESOLUTION recognizing and congratulating the G. P. Babb Middle School Bulldogs girls' volleyball team on winning the 2006 Clayton County championship in volleyball; and for other purposes.

SR 276. By Senators Hawkins of the 49th and Goggans of the 7th:

A RESOLUTION recognizing dental hygienists and Dental Hygienists' Appreciation Day; and for other purposes.

SR 277. By Senator Chapman of the 3rd:

A RESOLUTION recognizing and commending Carl Kimberl for outstanding service to the community of Brunswick, Georgia; and for other purposes.

SR 278. By Senators Whitehead, Sr. of the 24th, Hudgens of the 47th, Schaefer of the 50th, Mullis of the 53rd, Grant of the 25th and others:

A RESOLUTION commending U.S. Representative Charles Whitlow Norwood, Jr., D.D.S.; and for other purposes.

SR 281. By Senator Tarver of the 22nd:

A RESOLUTION commending and congratulating Mr. Tracy Williams, Jr., on the occasion of his 75th birthday; and for other purposes.

SR 286. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Tyler Harris Yeomans; and for other purposes.

SR 287. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Michael Chrysosferidis; and for other purposes.

SR 288. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Daniel Porter; and for other purposes.

SR 289. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Christopher Porter; and for other purposes.

SR 290. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Rico Turner; and for other purposes.

SR 291. By Senators Pearson of the 51st, Grant of the 25th and Rogers of the 21st:

A RESOLUTION commending Matthew O. Anderson; and for other purposes.

HR 257. By Representatives Teilhet of the 40th, Richardson of the 19th, Manning of the 32nd, Cooper of the 41st, Tumlin of the 38th and others:

A RESOLUTION remembering and honoring the life of Dr. Robert Alan Lipson; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, February 20, 2007
Twenty-second Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 126

Bulloch of the 11th
DECATUR COUNTY

A BILL to be entitled an Act to create the Decatur County School Building Authority and to authorize such authority to provide, acquire, construct, equip, maintain, and operate public service facilities, to acquire the necessary property therefor, both real and personal, and to lease or sell any or all of such facilities, including real and personal property; to confer powers and to impose duties on the authority; to provide for the membership and for the appointment of members of the authority and their term of tenure and compensation; to provide that bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, the "Revenue Bond Law"; to provide for construction; to repeal conflicting laws; and for other purposes.

HB 190

Bulloch of the 11th
Meyer von Bremen of the 12th
MITCHELL COUNTY

A BILL to be entitled an Act to amend an Act creating the State Court of Mitchell County (formerly the City Court of Camilla), approved August 17, 1905 (Ga. L. 1905, p. 184), as amended, so as

to provide that the judge shall be a full-time judge for said court; to provide for qualifications of the judge; to change the provisions relating to the compensation of the judge; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	E Thompson,C
Y Fort	Y Murphy	E Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Pearson	Y Unterman
E Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the local legislation, the yeas were 51, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

NOTICE OF MOTION TO RECONSIDER:

SR 20 Taxation; provide limitations on state government tax and expenditures;
definitions CA (Substitute)(FIN-21st)

SENATE RULES CALENDAR
TUESDAY, FEBRUARY 20, 2007
TWENTY-SECOND LEGISLATIVE DAY

- SB 81 Special Licenses; 100 years of scouting; Boy Scouts of America
(PS&HS-51st)
- SB 97 Criminal Trial Proceedings; require parties to raise specific objections to
jury charges prior to jury retiring to deliberate (JUDY-30th)
- SB 79 Criminal Attempt; increase maximum punishment for convictions; felonies
punishable by death/life imprisonment (JUDY-30th)
- SB 92 Commissioner, Revenue; powers/duties; sales/use taxes; collection of
certain data (Substitute)(FIN-51st)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

- SB 81. By Senators Pearson of the 51st, Wiles of the 37th, Thomas of the 54th,
Hawkins of the 49th, Schaefer of the 50th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige and special license plates, so as to provide a special license plate commemorating 100 years of scouting; to provide that a portion of the funds generated by the sale of such special license plate be disbursed to the Boy Scouts of America; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Adelman	Y Heath	Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton

Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	E Thompson,C
Fort	Y Murphy	E Thompson,S
Y Goggans	Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
E Grant	Y Powell	Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 47, nays 0.

SB 81, having received the requisite constitutional majority, was passed.

Senator Douglas of the 17th asked unanimous consent that Senator Whitehead of the 24th be excused. The consent was granted, and Senator Whitehead was excused.

SB 97. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct of criminal trial proceedings, so as to require parties to raise specific objections to jury charges prior to the jury retiring to deliberate; to provide that failure to raise objections shall preclude appellate review except under limited circumstances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Carter	Y Hudgens	Y Stoner

Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	E Thompson,C
N Fort	Y Murphy	E Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
E Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	E Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 50, nays 1.

SB 97, having received the requisite constitutional majority, was passed.

SB 79. By Senators Hamrick of the 30th, Smith of the 52nd, Cowsert of the 46th and Carter of the 13th:

A BILL to be entitled an Act to amend Chapter 4 of Title 16 of the Official Code of Georgia Annotated, relating to criminal attempt, conspiracy, and solicitation, so as to increase the maximum punishment for convictions for criminal attempt to commit felonies punishable by death or life imprisonment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	N Thomas,R

Y Douglas	Y Mullis	E Thompson,C
Y Fort	Y Murphy	E Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 51, nays 1.

SB 79, having received the requisite constitutional majority, was passed.

SB 92. By Senators Pearson of the 51st, Mullis of the 53rd, Balfour of the 9th, Seabaugh of the 28th and Rogers of the 21st:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for collection of certain data; to provide for powers, duties, and authority of the state revenue commissioner, the Department of Revenue, and the Department of Community Affairs with respect to the foregoing; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Committee on Finance offered the following substitute to SB 92:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for collection of certain sales tax data; to provide for powers, duties, and authority of the state revenue commissioner, the Department of Revenue, and the Department of Community Affairs with respect to the foregoing; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, is amended by adding a new Code section to read as follows:

"48-8-6.1.

(a) The commissioner is directed to collect, compile, and maintain retail sales tax data showing separately retail sales made within each county as well as showing separately retail sales made within the limits of a municipality and sales made within the unincorporated area of a county. In the event that a municipality is located in more than one county, the compiled sales tax data shall distinguish between sales made within the municipal limits with respect to each county in which the municipality is located. Such data shall be public records for purposes of Article 4 of Chapter 18 of Title 50.

(b) The Department of Community Affairs shall provide quarterly reports to the commissioner delineating any changes in municipal boundaries or the creation of any new municipalities."

SECTION 2.

This Act shall become effective on July 1, 2007.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Senator Pearson of the 51st offered the following amendment #1:

Amend the committee substitute to SB 92 by striking lines 20 through 22 of page 1 and replacing them with the following:

(b) For purposes of this Code section, the commissioner shall not require a dealer or retailer to report any sales location more than once except when a sales location is changed by action of the dealer or retailer.

(c) The commissioner shall promulgate such rules and regulations as are necessary to carry out the requirements of this Code section."

Senator Weber of the 40th offered the following amendment #1a:

Amend amendment #1 to SB 92 by line 7, change "(c)" to "(d)".

Do not strike lines 20 through 22, but renumber it as "(c)".

On the adoption of the amendment, the yeas were 32, nays 1, and the Weber amendment #1a to the Pearson amendment was adopted.

On the adoption of the amendment, the yeas were 47, nays 0, and the Pearson amendment #1 was adopted as amended.

On the adoption of the substitute, the yeas were 44, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	N Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	N Thomas,R
Y Douglas	Y Mullis	E Thompson,C
Y Fort	Y Murphy	E Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 49, nays 4.

SB 92, having received the requisite constitutional majority, was passed by substitute.

Serving as doctor of the day was Dr. Steve Muller.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Wednesday, February 21, 2007.

The motion prevailed, and the President announced the Senate adjourned at 12:22 p.m.